UNITED STATES DISTRICT COURT

Filed 01/28/22

for the

Western District of New York

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

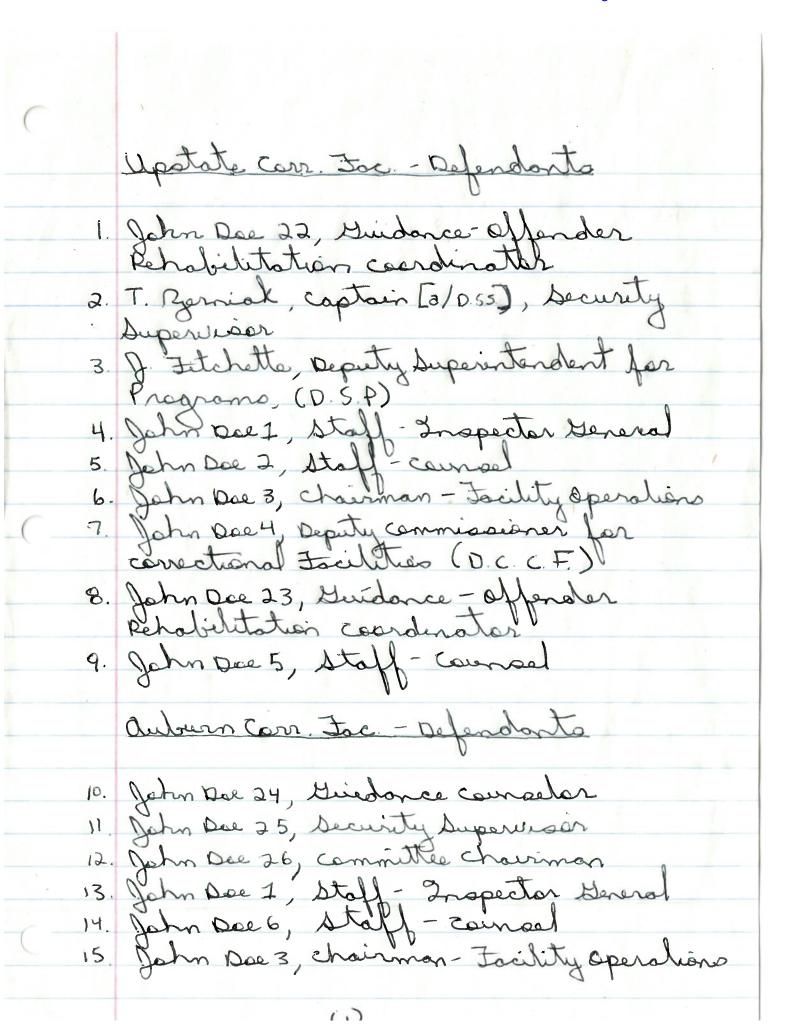
(Prisoner Complaint)

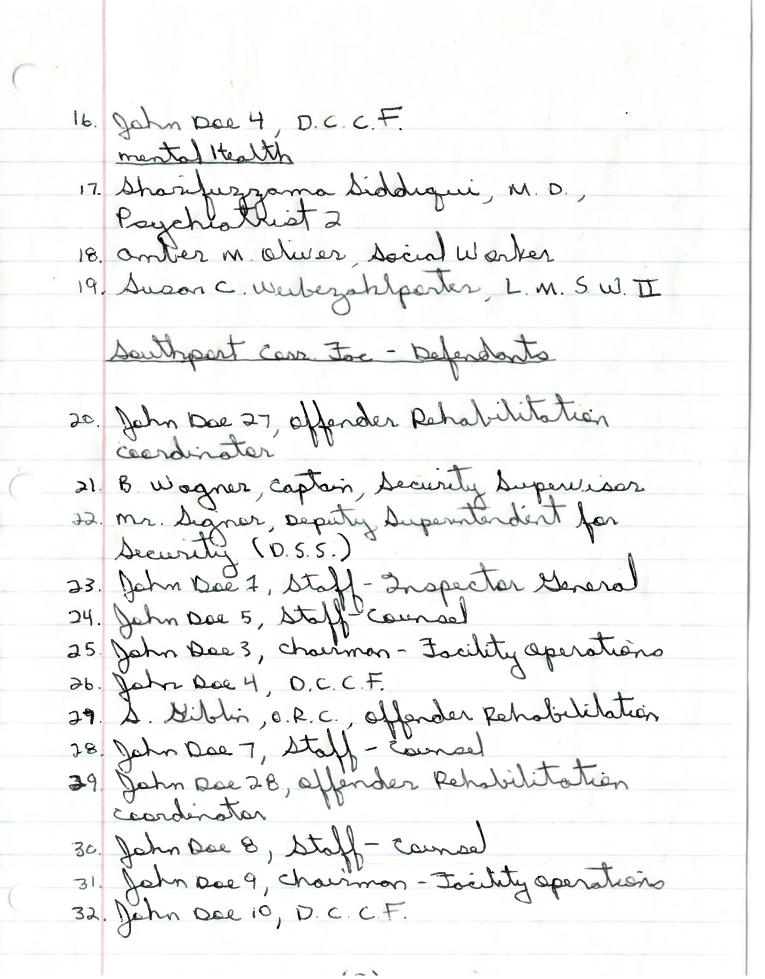
NOTICE

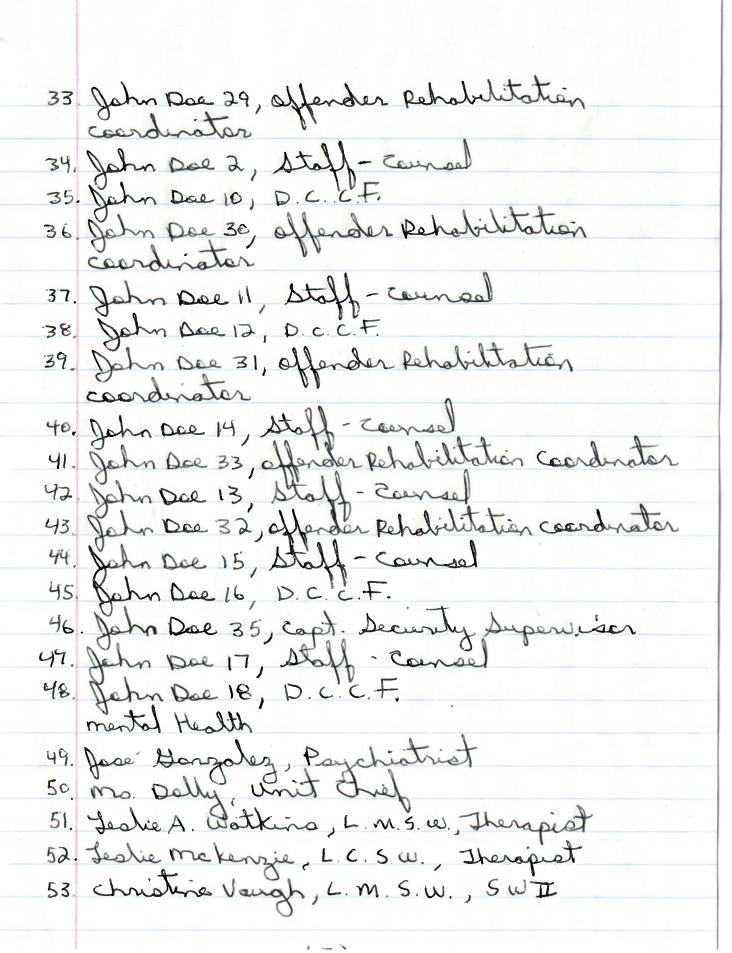
Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.







54. C. Kueffer, S.W. II 55. Emily Guary L. M. S. W. 2 56. Leslie Burni L. L. S. W. 57 Daniel Kreso, L.M.S.W. 2 Elmira Corr. Foc. - Defendants 58. John Doe 36, Deudence Courselor 59. John Doe 37, Decurity Supervisor 60. John Dac 38, committee Chairman 61. John Oce 7, Staff-Inspector General 62. John Doe 11, Staff - coursel 63. John Doe 9, chairman - Facility Operations 64. John Doe 10, D.C.C.F. 65. John Doe 39, Secretity Supervisor 66. John Doe 40, committee chairman 67. John Doe 19, Stoff- Coursel 68. John Doe 18, A/D.C.C.F. 69 J. Rossi, Gudonce Courselor 70. John Doe 41, Security Supervisor 71. John Doe 14, Stoff councel 72. Hill, Security Supervisor 73. John Dae 5, Stoff - cornel 74. John Doe 20, chairmon Facility operations 75. John Doe 42, Security Supervisor 76. John Doe 46, Stoff-Inspector General 77. John Doe 43, Security Supervisor 78. John Doe 44, Security Supervisor 79. John Doe 17, Stoff- Earned 80. John Doe 21, Stoff - counsel mental Health 81. Or Boutista Psychiatrist 82. For Deymour, Unit chief 83. Paul is. Dougherty, M.P.P. 84. John Doe 47, N. P.P. 85. A.A. N.P.P. 86. Courtney Dulkiran, Social Worker 87 megan Palmer, L.M. H. C. RCII 88. Tydia Brennan, Forence Unit chief 89. Joseph m. Wilczewski, L. M.S. W Central office, albany - Defendants 90, anthony J. annucci, Commissioner 91 ma amaya, assistant commissioner 92. Scott kelly security classification 93. Donald Venettozzi, Director - Inmote Discipline 94. a. Rodriguez - assistant Director -Inmote Discipline

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98 (99) 100. 1	John D John F dr. O'	ce 49, D. Dee 50, V. H, Elm	actor, loctor, una con	upatate Southper rectional	Corr. t corr. Jaculi	Foc.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

LEONIDAS SIERRA, 66094-054 Pro-De

All other names by which

you have been known:

ID Number

Current Institution

Address

66094-054

Po Bex 2080

Bruceton mills W.V. 26525 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Shield Number

Employer

Address

City State Zip Code

Individual capacity

Official capacity

Defendant No. 2

Name

Job or Title (if known)

Shield Number

Employer

Address

apotate con Foc-Defendante

Po Box 2001

malone N.Y. 12953
City State Zip Code

Individual capacity

Official capacity

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

Π.

Defendant No. 3

	Defendant No. 3	
	Name	Southpart corr. For - Defendants
	Job or Title (if known)	V
	Shield Number	
	Employer	Southport corr. For
	Address	Pc Box 2000
		Pine City N.Y 14871 City State Zip Code
		Individual capacity
	Defendant No. 4	
	Name	auburn Carr. Fac. Defendants
	Job or Title (if known)	V
	Shield Number	
	Employer	Outurn Cors. Foc.
	Address	Po Box 618
		City State Zip Code
		- A+ \
		Individual capacity Official capacity
Basis 1	for Jurisdiction	
immur Federa	nities secured by the Constitution a	tate or local officials for the "deprivation of any rights, privileges, or and [federal laws]." Under <i>Bivens v. Six Unknown Named Agents of 888 (1971)</i> , you may sue federal officials for the violation of certain
A.	Are you bringing suit against (ch	neck all that apply):
	Federal officials (a Bivens of	claim)
	State or local officials (a §	1983 claim)
В.	the Constitution and [federal law	ging the "deprivation of any rights, privileges, or immunities secured by vs]." 42 U.S.C. § 1983. If you are suing under section 1983, what y right(s) do you claim is/are being violated by state or local officials?
	14th amendmen	trembreno #8 bro to

C. Plaintiffs suing under Bivens may only recover for the violation of certain constitutional rights. If you are suing under Bivens, what constitutional right(s) do you claim is/are being violated by federal officials?

Elmira cors. Foe-Defendants

Elmira Corr. Foc.

Po Ben 500

Elmira, new Yark

14902-0580

A Individual capacity A Official capacity

	D.	Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under Bivens, explain how each defendant acted under color of federal law. Attach additional pages if needed. Also defendants are corrections officers of the local back because they acted under color of S.H.u. when a suite of the local back because they kept me in S.H.u. when a suite of the local back because they kept me in S.H.u. when a suite of the local back because they kept me in S.H.u. when a suite of the local back because they kept me in S.H.u. when a suite of the local back because they kept me in S.H.u. when a suite of the local back because they kept me in S.H.u. when a suite of the local back because they kept me in S.H.u. when a suite of the local back because they kept me in S.H.u. when a suite of the local back because they kept me in S.H.u. when a suite of the local back because they kept me in S.H.u. when a suite of the local back because they kept me in S.H.u. when a suite of the local back because the local ba			
m.	Prison	er Status			
	Indicate	e whether you are a prisoner or other confined person as follows (check all that apply):			
		Pretrial detainee			
		Civilly committed detainee			
		Immigration detainee			
	图	Convicted and sentenced state prisoner			
	\mathbb{X}	Convicted and sentenced federal prisoner			
		Other (explain) When the issues of the complaint happen 2 was			
IV.	Stateme	ent of Claim			
	alleged further of any case	briefly as possible the facts of your case. Describe how each defendant was personally involved in the wrongful action, along with the dates and locations of all relevant events. You may wish to include details such as the names of other persons involved in the events giving rise to your claims. Do not cite es or statutes. If more than one claim is asserted, number each claim and write a short and plain at of each claim in a separate paragraph. Attach additional pages if needed.			
	A.	If the events giving rise to your claim arose outside an institution, describe where and when they arose.			
	В.	(See attached Facts) 15 pages (and statement of claims) 2 pages If the events giving rise to your claim arose in an institution, describe where and when they arose. They arrase in NYS-DOCCS S.H.J.'S Elmira, upstate, buth-			

Statement of claims

- 1) Wrangful Centinement, Purawort to Criminal Procedure Jow, Section \$410.91, because the facts will astablish that the defendants intended to confire the claimant; the claimant was conscious of the confirement; the claimant did not consent to the confirement; and the confirement was not otherwise privileged.
- 2) Violation of substantive and procedural due-process. because the defendant violated NYS-Doces own rules and regulations, and in the process deprived we of my liberty interest
- 3) Violation of equal protection because the defendands did not allow me to participate in the programs, treated me differently from other immotes in S. H. U. rever gave me a morninafed review like other ad / Deg immotes, deviced me adequate mental health

and disregarded chaimants welltrembreno #8 ent to restolail (4) - Azing loueuru bro leurs tarrago ment because they disregarded Claimont deteriorating mental health. refused to give adequate mental health treatment, refused to give claiment adequate medical treatment for chronic poin and were deliberately indifferent to his mental and physical health additionally Defendants Knew of claimants history of self-harm and did nothing about it as suidenced by claiment being out on seucide watch, on or about February or march of 2019, and claiment cut his arm requiring 5 stickes in the hospital after continuously claiming he needed help because he felt the compulsion to heart himself. also, while in d-Block at Southpart Corr. For , The cell was so cold it felt like a refrigerator and Referdants refused to repair window sools

and or provide artra blakets.

Facto

- 1) On, July 31, 2014, Plaintiffs custody was returned back to the new york State Department of Corrections and Community Duperwision (NYS-DOCCS) by the U.S. marshalls of the Southern District of new york at Down State Correctional Jacility.
- 2) as soon as Plaintiff was processed and searched at Downstate correctional Tocility. Plaintiff was assigned a cell and placed under Keep-Nocked status (confined to the cell).
- 3) On August 4, 2014, Plaintiff was transferred from Downstate Correctional Facility to attice correctional Facility. After being processed Plaintiff was assigned a cell and again placed under Keep-Lacked states.
- 4) On August 5, 2014, Plaintiff was served a Just III mustehoulier Report changing

Violation of rule 1.00 (Penal Law)
Offenses) because Praintiff plead
quilty and was consisted of violating
18 4.5. C 1962 (A): Conspiracy, to
participate in a racheteering enterprise.

- 5) John Dae 48, Captain, was assigned as
 the hearing Officer. After the hearing
 the Plaintiff was found guilty of
 violating rule 1.00 and was sentenced
 to 1 year of solitary confinement in
 the Special Housing Unit (S. H.U.), with
 I year loss of Packages, Commissary
 and telephones.
- 6) During the hearing John Doe 48, captain, did not hold the hearing within the time limits set forth in 7 NYC RR 251-5.1(2), deried Petitioner the right to present documentary evidence, at the social and to altain relevant documentary evidence (ex. Log Book Entries, etc.) and to interview the moterial witnesses.

- 7) On an about, revember, 2014, the Petitioner was transferred from attica Correctional Jacility to upstate Correctional Jacility.
- 8) after doing 9 months and 22 dous S.H.U. at apatate Corr. Fatitioners was given a time-cut on the 1 year S.H.U. sonetion imposed at attice corr Fac., because of good behavior and howing made a positive adjustment.
- c) On an about, may 27, 2015, after completing the modified 9 months and 22 days S. H. U. sonetides Petitioner was served with an administrative Degregation Recommendation dated, may 27, 2015.
- 10) Ma. Liberty, Commissionero Hearing Officer (C.H.O.) was assigned as the hearing officer. The hearing was commenced on June 11, 2015 and concluded on August 11, 2015
- 11) During the hearing Petitioner was inappro-

priotely denied the right to call materially relevant ustnesses; to present obscurrentary evidence and recorded telephone conversations by the c. H. O.

- 12) mo Tiberty, C. H.O. imposed adminio trotuse segregation. The imposition
 of administrature segregation was
 on exaggerated response to the
 prisons concerns because there existed
 a less restrictive having unit program
 (Protecture custody (7C) and Involuntary
 Protecture custody (IPC)) that could
 have accomposated the prisons
 concerns while at the some time
 protect Petitioner's rights.
- 13) Petitioner appealed the determination on August 30, 2015 to Ronald Venetazzi and it was affirmed on June 12, 2017 mr. A. Rodniguez devied the reconside ration.
- 14) The apotate cars. For Referdants,

John Dae 22, T. Berniak, J. Fitchatte, John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 23 and John Doe 5, callectively and individually deried the Petitioner the apportunity to receive a suitartainmas la mainer lufgreisem segregation by conducting a shan le fairet beaagast - arg a this meiler the same, by reiterating state bailer plate to go to a less restricture housing unit program, by not conducting the reviews every 60 days as prescribed by Directive 4933 301.4, disregarding Patitioners deteriorating mental and physical health, by not considering the passage of time, considering encicerate information and not considering the other relevant factors such as Petitioner's, conduct, interaction ratizagailo lono elatitto, flata Atiu beforera decision in the administrative recommendation.

15) auturn corr. For, Defendants, John Doe

24, John Doe 25, John Doe 26, John Doe 1 John Doe 6, John Doe 3, and John Doe 4, collectively and in their individual capacity denied Petitioner the appartunity to receive a meaningful review of administrature segregation status by conducting a sham review with a pre-desposed derical of the same, by reiterating stale boiler plate justifications, denzing Petitioners request to go to a loss restricture housing unit program, by not conducting the reviews every to days as prescribed by priective 4933, 301.4, disregarding Petitioner's deteriorating mental and physical health, by not considering the possage of time, considering inscrurate information and not considering the other relevant factors such as Petitioners abutilto flata this naitabration, toubras and disposition before rendering a decision in an administrative signegation summary report and recommendation.

16). The auburn Corn. Foc. mental health defendants, Sharefuzzama Siddiqui, MO,

amber m. oliver, and Duson C Weberzahlporter, collectively and belorogerand bus users pulloudisideri Atland Totran affitical P at Sair ant and safety by failing to acknowledge the harm long term isolation was Atland Latinary affitiments at prisusos additionally, they failed to make any reports and seconmendations to MYS-DOCCS that took into consideration Plaintiffs chronic depression, spisades, al hallucinations where he heard voices, his difficulty with facus, his diffi hopelesoness, lock of energy and his his inability to find some hive for and the many crisis externertions where Plaintiff Das howing sincidal thoughts, sings in acts of sell harm and the to widence that the to mental health was deteriorating.

17) Southpart Carr. Foc. defendants, John Doe 27, B. Wagner, Mr. Signar,

John Das I, John Das 5, John Das 3, John Das 4, D. Dublin, John Das 7, John Das 28, John Doe 8, John Doe 9, John Doe 10, John Dae 29, John Doe 2, John Doe 30, John Dae 11, John Dae 12, John Dae 31, John Dae 33, John Doe 13, John Doe 32, John Doe 15, John Doe 16, John Doe 35, John Doe 17, and John Dae 18, callectively and individually deried Plaintiff the apportunity to recove a meaning) review of administrative segregation status by conducting a show review ett fo lovied becapesed Lavid of the some, by neiterating state boiler plate justifications, denying Plainti request to go to a less restricture housing unit program by not conduct-ing the reviews every 60 days as prescribed by Directive 4933, 301.4. disregarding Phointiffs deteriorating mental and physical health, by net considering the passage of time, can-sidering maccurate information, and not Considering the other relevant factors, such as Phintiff's conduct,

interaction with staff, attitude, and disposition, before rendering a decision on an administrative of segregation summary report and recommendation.

Atlast latran sot are traghtuped (81 defendants, José Gonzalez, mo Bolly, Leslie A. Wathirs, Leslie McKenzie, chaistine Jough, c. Kueffer, Emily Guary Leable Munni and Doniel Kness, collectively and individually knew and disregarded the risk to Plaintiff's mental health and safety by failing to acknow ledge the harm long term resolution was causing to artibles attach totran affithis they failed to make only reports and recommendations to NYS-Doccs that took into consideration Plaintiff's chronic depression, episades of habbicinations where he heard voices, his difficulty with concentration nightmores, Propelesoness, lock of energy and his inability to find

conething to live for and the many crisis interventions where Plaintiff was having suicidal thoughts, and engaging in acts of self horm and the conductive evidence that his nextal health was deteriorating.

19) Elmira Carr. Foc. defendants, John Doe 36, John Doe 37, John Doe 38, John Dae 1, John Dae 11, John Dae 9, John Doe 10, John Doe 39, John Doe 40, John Doe 19, John Dose 18, John Doe 41, J. Rossi, John Dee 14, Hill, John Doe 46, John Doe 43, John Doe 44, John Doe 46, John Das 17 and John Das 21, collectively ant fitrial beined plantiff the appartunity to Leave a meaningful review et administrative segregation status by conducting a show review with a pre-desposed devial of the some, by resterating states baster plate justifications, dereging Planti request to go to a less restrictive housing unit program, by not conduct

prescribed by Directive 4933, 301.4;
disregarding Plaintiffs deteriors—
trig mentaland physical health,
by not considering the passage
of time considering inaccurates
information and not considering
the other relevant factors, such as,
Plaintiff's conduct, interaction with
staff, attitude and disposition,
before rendering a decision on an
administrative segregation summary
report and recommendation

20) Elmiro Carr. Foc. Mental health defendants, Dr. Bautista, Jani Deymour, Paul w Dougherty, John Doe 47, A.A., courtney Sullivar, Megan Polmer, Lydia Brennan and Jaseph M. Wilezewski, callectuiely and individually knew and disregarded the risk to Plaistiffs mental health and safety by failing to acknowledge the harm long term isolation was cousing to Plaistiffs mental health.

additionally, the failed to make any reports and recommendations to MYS-DOCCS that took into consideration Plantiffs chronic depression, episodes of hallucinations where he heard voices, his difficulty with concentration, rightmores, hapelessness, lack of energy and his mobility to find something to live for and the many crisis interventions where Plaintiff was having suicidal thoughts, engaging in acts of self harm and the conclusive evidence that his mental health was deteriorating

21) Central of fice - albany defendants
anthony I annucci, who amongo,
scatt kelly, Danald Venetlazzi
a. Pooligies and David amodic,
collectively and individually denied
Plaintiff the apportunity to receive
a maninful review of administrative
segregation by failing to answer
plaintiffs letters and complaints
and correct the fact that line stal

correcting the deficient process he was deewing.

- 22) Control Office allowy defendants
 Donald Geneticzni, a Rodriquez.

 Douid ancore and mo Liberty

 callecturely and industrially

 Lielated the rules and directures

 that govern disciplinary hearings

 by not allowing Plaintiff to receive

 meaningful implayer assistance

 present documentary evidence, call

 material intresses at the hearing

 and to present recorded conversa
 there and their failure to correct

 these Lielations of Mys-Doccs own

 rules and regulations.
- as attice care. For defendant John Doe 48 relientiely and individually right at the right at the disciplinary hearing by inappropriately denying him the appearantly to present documentary evidence, call witnesses and how meaningful

CVIC

employee assistance. John Doe 48, also made the unreasonable decision of funding Plaintiff quilty of violating Penal Jaw Offenses rule 1.00, when though plaintiff never violated any penal law.

24) medical Defendants, John Doc 49 John Doe 50, and Dr. att, collecturely ugen erew, phlaubiulgini bro nedical trials that explained that Plaint sixteriarated asing Attendanting a large part, to the profer s of solitory confinement at betrayour and fitnish

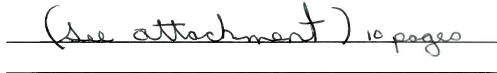
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(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

C.	What date and	approximate	time did the	events giving rise to	your claim(s) occur?
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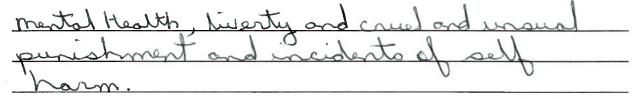
7/31/14-2/13/2020

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)



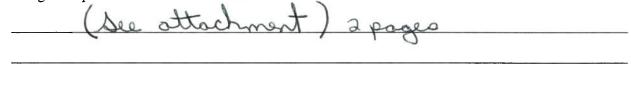
V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.



VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.



Clamo

- 1) The Upstate Carr. Jac., Defendants
 John Doe 22, T. Pzerniak, J. Fitchette,
 John Doe 1 John Doe 2 John Doe 3 John
 Doe 4 John Doe 23 and John Doe 5, cultertively
 and individually, failed to pravide
 Plaintiff with a meaningful review
 of his administrative Segregation
 atoters, by conducting shom, reviews
 with pre-ordinal denial of the
 some violated the substantive and
 procedural Due Process of the 14th
 amendment, and the 8th amendment.
- 2) The Upstate Carr. Fac. Defendants
 John Dae 22, T. Pzerniak, J. Fitchette,
 John Dae 1, John Dae 2, John Dae 3,
 John Dae 4, John Dae 23 and John Dae 5,
 Callectively and individually, disregarded
 Plaintiffs deteriorating mental and
 physical health, by beging him confined
 to roolation in S. H. V. from July 31, 2014
 to February 13, 2020, violated the 8th

transfairing.

- 3) Outurn Carr. Fac., Defendants, John Doe 24, John Doe 25, John Doe 36, John Doe 1, John Doe 4, John Doe 5, and John Doe 4, callectively and individually, failed to pravide Plaintiff with a meaningful review of his administrative degregation status, by conducting sham reviews with pre- ordained derival of the some violated the substantive and procedural Due Process of the 14th amendment.
- 4) The auburn Cerr. For Defendants John Doe 24, John Doe 25, John 26, John Doe 1, John Doe 4, John Doe 4, John Doe 4, collectually and indulationably, disregarded Plaintiffs deteriorating mental and physical health by keeping him confined to isolation in S. H. U. from July 31, 2014 to Jehruary 13, 2020, violated the 8th amendment against cruel and unusual punish ment.

5) The auburn can Foc. mental health defendants, Sharfuryama Siddiqui, Mr., amber M. Oliver, and Susan C. Westerzahlporter, collectively and individually, obsereganded Plantiff's deteriorating mental and physical health by keeping him confined to isolation in S. H. U. from July 31, 2014

to February 13, 2020, violated the 8th amendment against cause and unusual punishment

6) Southport Carr. Foc., defendants,
John Dae 27, B. Wagner, Mr. Digner,
John Dae 1, John Dae 5, John Dae 3,
John Dae 4, S. Hibbin, John Dae 7,
John Dae 28, John Dae 8, John Dae 9,
John Dae 10, John Dae 29, John Dae 2,
John Dae 30, John Dae 11, John Dae 12,
John Dae 31, John Dae 33, John Dae 13,
John Dae 32, John Dae 15, John Dae 13,
John Dae 35, John Dae 15, John Dae 16,
callectricly and individually, Jailed
to pravide Plaintif with a meaningful
review of his administrative Degregation

status, by conducting show reviews with pre-ordained derival of the with pre-ordained derival of the substantive and procedural Due Process of the 14th anendment

7) Southpart cars. Fac., defendants, John Doe 27, B. Wagner, Mr. Signer, John Dos I, John Dos 5, John Dos 3, John Doe 4, S. Geblin, John Doe 7, John Dae 28, John Doe 8, John Doe 9, John Dae 10, John Doe 29, John Doe J, John Dal 30, John Dal 11, John Dal 2, John Doe 31, John Doe 33, John Doe13, John Dae 32, John Dae 15, John Dae 16, John Doe 35, John Doe 17, and John Doe 18, callectively and individually, dis-regarded Plaintiff's deteriorating mental and physical health, by Keeping him confined to isolation in S. H. U. from July 31, 2014 to February 13, 2020, halated the 8th amendment against transained loveren bro leurs

8) Southpart carr. Fac., mental health

defendants, Jase Honzalez, mo. Dally, Lealie A. Watkins, Lealie Mckenzie, Christie Vough, C. Kruffer, Emily Huary, Lealie Ryuni, and Daniel Kress collectively and individually, disregarded Plaintiffs deteriorating mental and physical health, by keeping him confried to isolation in S. H. U. from July 31, 2014 to February 13, 2020, violating the 8th amendment against rule and unusual punishment

9) Elmiro Cerr. Foc. defendants John
Doe 36, John Doe 37, John Doe 38, John
Doe 1, John Doe 11, John Doe 9, John Doe 10,
John Doe 39, John Doe 40, John Doe 19,
John Doe 18, John Doe 41, J. Rossi, John
Doe 14, Hill, John Doe 5, John Doe 43,
John Doe 42, John Doe 46, John Doe 17
ond John Doe 21, Collecturely and individually, failed to provide Plaintiff
with a maningful review of his
administrative Degragation status,
by conducting show reviews with

pre-ordained derial of the same, realisted the substantive and procedural Due process of the 14th omendment.

- 10/ Elmiro Corr. Foc., defendanto John Doe 36, John Doe 37, John Doe 38, John Doe I, John Doe 11, John Doe 9, John Doe 10, John Doe 39, John Doe 40, John Dee 19, John Dol 18, John Doe 41 J. Rossi, John Doe 14, Hill, John Doe 5, John Dae 20, John Dae 42, John Dae 46, John Doe 43, John Doe 44, John Doe 17, and John Doe 21, collectively and riduxidually, disregarded Plaintiffordeleriorating mental and physical health, by keeping hims confined to isolation in 5. H. G. from July 31, 2814, to , February 13, 2020, violated the 2 the amendment against cruel and unuau al punchment,
- 11) central Office albany, defendants, anthony J. annucci mo. amoya, Scatt Kelly Banold Venetteri, A. Radriguez, and Barid amadio collectively and

indulidually, deried Plaintiff the review of administrative segregalian status by conductin show reviews with a pre-a derial of the some, by reiterating stale baller plate justifications, denying Plaintiff's program, by not conducting the reviews every 60 and 30 days as prescribed by Directive 4933, 301.4, disregarding Plantiff's deteriora ting mental and physical health, by not considering the passage time considerin elather relevant factors, such al Plantiffic conduct, interaction staff, attitude and disposition allowing the line staff to pre-ordain the denial of release from segregation violated the substantive and procedural Due process of the

- Danold Venettezzi , a . Radriquez ,
 David amadia and mo . Liberty ,
 callectively and individually ,
 diarigarded Plaintiff's determenting mental and physical health, by keeping him confined to isolation in S. H. U. & from July 31 2014 to telementy 13, 2020 isolating the 8th amendment against cried and invidual punishment.
- Donold Venetherzi, a Rodriguez,
 David amodio and mo therty,
 callectively and individually related
 the rules and directives that govern
 disciplinary hearings by not allowing
 Plaintiff to receive meaningful
 employee assistance, present documen
 tory evidence, call molerial vitnesses
 at the hearing and to present
 recorded conventations and their
 failure to correct these violations
 of MYS-Doccs own rules and

regulations, these violating the substantive and proceedings one-Process of the 14th anendment.

- 14) ottice Carr. Foc. defendant John Doe 48, collectively and individually violated plantiff's rights at the disciplinary bearing by inappropriately denging him the apportunt evidence, call witnesses and house meaningful employee assistance. John Dolle, also made the unreaso-Plaintiff guilty of violating Plaintiff Lenses rule 1.00 even though Now affense thus violating the process of the 14th amendment.
- 15) atties corr. For defendant John Dee 48, collectively and individually, disregarded Plaintiff's deteriorating mental and physical health, by

Keeping him confined to isolation in S. H. U. from July 31, 2014, to,

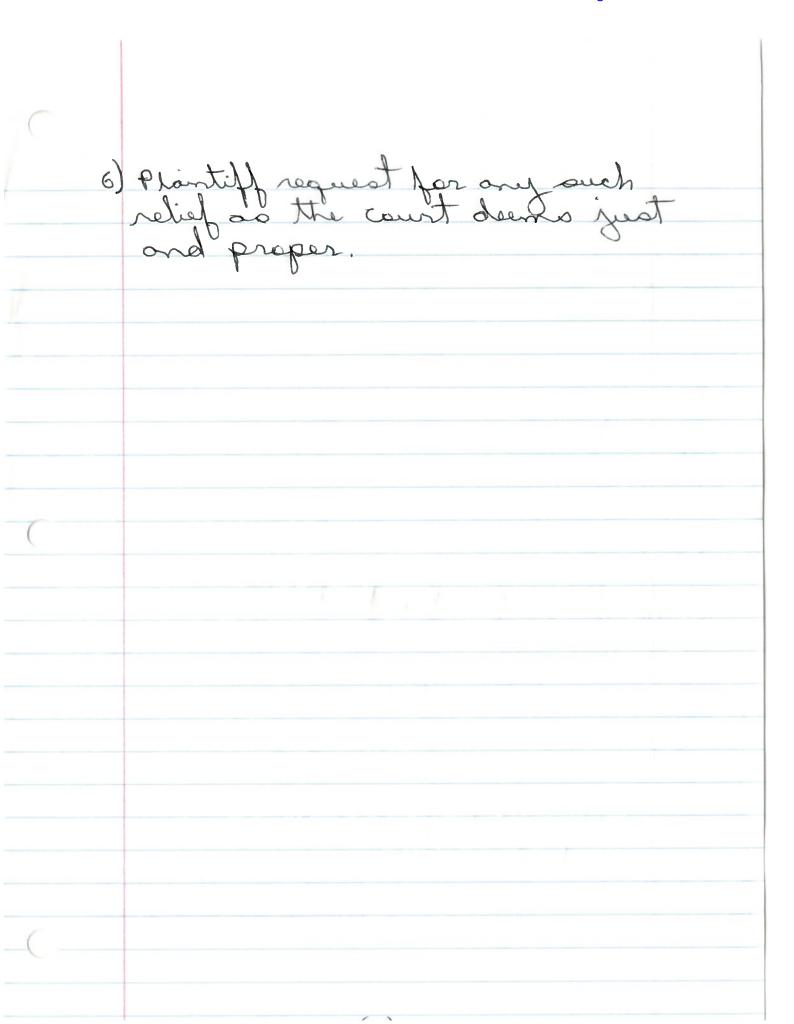
Tebruary 13, 2020, violating the
8th amendment against cruel and
servesual purishment.

John Doe 50, and Dr. ott, callectively ond individually, were realized of Plaintiffs medical needs by failing to prescribe affective pain medication, not providing a Jens unit and thee sheets and by regliantly inflicting unnecessary and wanton pain by deviating from the established medical practice, thus, violating the ordered and unusual princharent.

(-)

Relief

- i) The Plaintiff request a jury trial on all isoues presented.
- 2) Plaintiff seeks monetary domogen in the amount of \$10,000, boo from all Defendants individually and jointly
- 3) Praintiff seeks printing domages from all the Defendants in the amount of 5,000,000, individually and jointly
- 4) Plaintiff also suks that all other imates from NYS-DOCCS who are in similar circumstances receive meaningful reviews of administrative segregation.
- 5) Plaintiff request the court declare that Defendants isolated the Plaintiff's constitutional rights



VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Document 1

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

Α.	Did your claim(s) arise while you were confined in a jan, prison, or other correctional facility:
	Yes
	□ No
	If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).
	Elmiro corr. Foc, Southpart carr. Foc.
В.	Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?
	Yes
	☐ No
	Do not know
C.	Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?
	Yes
	☐ No
	Do not know
	If yes, which claim(s)?
	continuous confinement confinement in S.H.U. from 2/3/164- 2/13/2020 mental health, lackaf receiving reviews
	lock of nedical and next infestition.

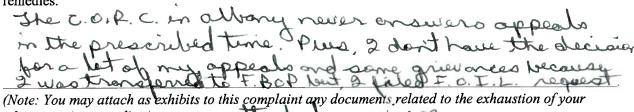
D.	Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?
	Yes Yes
	□ No
	If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?
	Yes
	□ No
Е.	If you did file a grievance:
	1. Where did you file the grievance? at upotate carr. For Southpart carr. For, auburn carr. For, and Elmira Carr. For
	2. What did you claim in your grievance? That I was being housed in S HA. under administrature segregation in visibilities of Due-Proce not receiving rearright reviews not receiving the placement decisions. Jock of medical attention and
	3. What was the result, if any? most were deried but the facility committee agreed in governce = 149-607-19 that a less restrictive houring was appropriate for to see a motor
	4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)
	I appealed them to the facility superintendant
	and then, to the c.o.R.c. in albany

F. If you did not file a grievance:
--

1.	If there are any reasons	why you	did not	file a	grievance,	state them	here:
----	--------------------------	---------	---------	--------	------------	------------	-------

2.	If you did not file a grievance but you did inform officials of your claim, state who you informed,
	when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.



administrative remedies.) see attached quevance

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?



If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A.	Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?		
		Yes	
	4	No No	
В.	If y	our answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is re than one lawsuit, describe the additional lawsuits on another page, using the same format.)	
	1.	Parties to the previous lawsuit	
		Plaintiff(s)	
		Defendant(s)	
	2.	Court (if federal court, name the district; if state court, name the county and State)	
	3.	Docket or index number	
	4.	Name of Judge assigned to your case	
	5.	Approximate date of filing lawsuit	
	6.	Is the case still pending?	
		Yes	
		No No	
		If no, give the approximate date of disposition.	
	7.	What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)	

IX. Certification and Closing

Print

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

	Date of signing:	
	Signature of Plaintiff Printed Name of Plaintiff Prison Identification # Prison Address	LEONIDAS SIERRA Pro-Se 66094-054 U.S. P. Hazelton, Po Box 2000 Bruceton Wills W.V. 26525 City State Zip Code
В.	For Attorneys	
	Date of signing:	
	Signature of Attorney Printed Name of Attorney Bar Number Name of Law Firm Address	
	Telephone Number E-mail Address	City State Zip Code

Page 10 of 11

Reset

Save As... Add Attachment

Leanidas Dierra (Pre-De) 66094-054 U.S.P. Hazelton Po Bax 2000 Bruceton Mills, W.V. 26525

United States District Court
Western District of New York

Dummans

Jo: John Dae 22, interalia..., New York State Dept. of Carr. and Community Supervision State Compus Building 2 Albany, New York, 12226

a howauit has been filed against you, within 21 days after service of this summans on you (not countried the day you received it) or 60 days if you are the United States or a United States agency, or an affirer or employee

of the United States as described in Fed. R. Civ. P., 12(2)(2) or 3-you must serve on the Plaintiff on anough to the ottoched complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure.

The answer or motion must be served on the Plaintiffer Plaintiffs atterney, whose name and address is:

Lecindas Sierra, 66094-054 (P.no-De) U.S.P. Hazelton, Po Bex 2000, Bruceton Mills, W.V. 26525

It you fail to respond, judgment by default will be entered against you for the relief demonded in the complaint. You must also file your onswer or motion with the court.

clark of the court

poted: